

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DELTA PILOTS ASSOCIATION,

Plaintiff,

v.

RUSSELL C. MELVIN,

Defendant.

Civil Action No.: 1:14-cv-00225-AKH

**DECLARATION OF
NICHOLAS PAUL GRANATH
IN SUPPORT OF PLAINTIFF'S
MOTION TO AMEND THE
FIRST AMENDED COMPLAINT**

I, Nicholas Paul Granath, do declare as follows:

1. I am lead counsel of record for Plaintiff Delta Pilots Association ("DPA") in the above-captioned matter, along with Lee Seham, Esq., Lucas Middlebrook, Esq., and George Diamantopoulos, Esq.
2. I make this Declaration of my own free will, based on my personal, first-hand knowledge, unless otherwise specifically indicated.
3. This Declaration is in support of "Plaintiff's Motion To Amend The First Amended Complaint, Pursuant To Rule 15."
4. Attached and labeled as **Attachment 1** is an illustrative exhibit of the *proposed* Second Amended Complaint that DPA seeks leave to amend from its First Amended Complaint. Note: All amendments are shown in red text and additions are underlined and deletions struck through.
5. In the year following the Court's January 29, 2014 order (Doc. No. 5) (that allowed "discovery upon third parties in order to identify defendant John Doe") plaintiff, through counsel, subpoenaed and obtained discovery from third parties and conducted its own investigation. Attachments 2 through 22 are a product of that effort.

6. Attached and labeled as **Attachment 2** is a true and correct copy of a ‘screen shot’ taken by Tim Caplinger (who will so testify), on or about November 8, 2013, at the start of the hacking, showing a view of DPA’s web management files hosted by Squarespace and further showing a misdirection of the primary domain.
7. Attached and labeled as **Attachment 3** is a true and correct copy of a ‘screen shot’ taken by Tim Caplinger (who will so testify), on or about November 8, 2013, days after the hacking, showing that DPA’s web site had been placed in “trial mode.”
8. Attached and labeled as **Attachment 4** is a true and correct copy of another ‘screen shot’ taken by Tim Caplinger (who will so testify), on or about November 8, 2013, days after the hacking, showing that DPA’s web site had been placed in “trial mode.”
9. Attached and labeled as **Attachment 5** is a true and correct copy of an extract of documents provided by Squarespace in response to subpoena by DPA showing a ‘chat’ transcript dated November 10, 2013 at 2:59 a.m. in which a Squarespace “customer care” employee states: “Issue Summary: Not entirely sure what is happening here, but they definitely show a linked, managed domain called deltapilot.org.”
10. Attached and labeled as **Attachment 6** is a true and correct copy of an extract of documents provided by Squarespace in response to subpoena by DPA showing a ‘chat’ transcript dated November 10, 2013 at 1:00 a.m. in which a Squarespace “customer care” employee states: “I’m going to escalate this case to a domain administrator to review.”
11. Attached and labeled as **Attachment 7** is a true and correct copy of an extract of documents provided by Squarespace in response to subpoena by DPA showing a ‘chat’ transcript dated November 9, 2013 at 1:16 p.m. in which a Squarespace “customer care” employee reports that: “Issue: Customer owns deltapilotsassociation.org which points to Squarespace 5 and looks to be properly mapped. www.deltapilotsassociation.org is now pointing to a Squarespace 6 site that is owned by someone else. Customer believes that this was done intentionally in an attempt to damage the organization.”

12. Attached and labeled as **Attachment 8** is a true and correct copy of an extract of documents provided by Squarespace in response to subpoena by DPA first showing that a Squarespace “trial account” that was utilized in the attack by an “impersonator” under the name “Tim-Caplinger” using an email address of, “amp.chumbawumba@ausi.com.” (see second page of Att. 8, also marked at bottom-center “Index 141”); and second showing this trial account was created at 7:18 p.m. EST, November 8, 2013 (see third page, also marked at bottom-center “Index 142”); and third showing that one minute later, at 7:19 p.m. EST on November 8, a user linked the domain “Tim-Caplinger.squarespace.com” to an unused, DPA-owned domain “deltapilot.org” and made it the primary domain – this was the start of the misdirection (see third page, also marked at bottom-center “Index 142”).
13. Attached and labeled as **Attachment 9** is a true and correct copy of publicly accessible Internet “message threads” obtained by Tim Caplinger (who will so testify) from inside an Internet “newsgroup” called “Military.aviation.rec” that shows “Russell C. Melvin” with an email address of “amp.chumbawumba@gmail” as of February 11, 2008.
14. Attached and labeled as **Attachment 10** is a true and correct copy of publicly accessible Internet “message threads” obtained by Tim Caplinger (who will so testify) from a page on the web site “www.nnseek.com” that shows “author threads” depicting “Russell C. Melvin” with an email address of “amp.chumbawumba” in 2008 and that links the same email to “rec. aviation.Military”.
15. Attached and labeled as **Attachment 11** is a true and correct copy of publicly accessible Internet “WhoIs” registration report from <http://www.domaintools.com> obtained by DPA’s computer forensic expert (who will so testify) that shows Russell C. Melvin had his own personal account on Squarespace, Inc., registered January 2, 2013, with a domain status of “active.”
16. Attached and labeled as **Attachment 12** is a true and correct copy of the letter from Russell C. Melvin to ALPA, obtained by DPA from ALPA following the Court’s order to enforce, with conditions, DPA’s subpoena (Doc. 21); the letter was attached to an email “rcmelvin@mac.com” represented by ALPA to be from Russell C. Melvin.
17. Attached and labeled as **Attachment 13** is a true and correct copy of an extract of records subpoenaed by DPA from Verizon showing wireless phone number “901 871-7877” as the “originating number” of the anonymous caller to Caplinger’s home on November 15, 2013, when a male caller claimed to Caplinger to be responsible for the hacking (as Caplinger will also testify).

18. Attached and labeled as **Attachment 14** is a true and correct copy of an extract of records subpoenaed from AT&T by DPA showing that the phone number “901 871-7877” belongs to the address of 7050 Corsica Drive, Germantown, TN 38138.
19. Attached and labeled as **Attachment 15** is a true and correct copy of a property record card your Declarant obtained from a publicly accessible web page of the Shelby County, Tennessee Assessor of Property, which shows Russell C. Melvin at an address of 7050 Corsica Drive, Germantown, TN 38138 in 2013.
20. Attached and labeled as **Attachment 16** is a true and correct copy of a property record card your Declarant obtained from a publicly accessible web page of the Shelby County, Tennessee Assessor of Property that shows Russell C. Melvin at an address of 7050 Corsica Drive, Germantown, TN 38138 and history.
21. Attached and labeled as **Attachment 17** is a true and correct copy of a Warranty Deed your Declarant obtained from a publicly accessible web page showing Russell C. Melvin as co-owner with “wife” of 7050 Corsica Drive, Germantown, TN 38138, recorded September 17, 2012.
22. Attached and labeled as **Attachment 18** is a true and correct copy of an extract of property records maintained by DPA (as Tim Caplinger is prepared to testify to) that shows Russell C. Melvin gave DPA an address of 7050 Corsica Drive, Germantown, TN 38138 when he joined DPA.
23. Attached and labeled as **Attachment 19** is a true and correct copy of an ALPA publication obtained by Tim Caplinger in 2013 (who is prepared to so testify) that lists “Russ Melvin – MEC Government Affairs,” an ALPA committee.
24. Attached and labeled as **Attachment 20** is a true and correct copy of an ALPA publication obtained by Tim Caplinger in 2013 (who is prepared to so testify) that lists “Russell Melvin” on ALPA’s “Government Affairs” committee.
25. Attached and labeled as **Attachment 21** is a true and correct copy of an extract from “Air Line Pilots Association ALPA Flight Pay Loss System 4th Qtr FPL Report 2/28/14” obtained by Tim Caplinger in 2013 (who is prepared to so testify) that shows Russell C. Melvin received 15 hours of pay from ALPA during the period from November 6-8, 2013 (the time of the hacking) while working on a committee (“P2P”) to which Melvin was not assigned, and whose mission was to combat DPA’s lawful campaign to represent DPA pilots.

26. Attached and labeled as **Attachment 22** is a true and correct copy of an extract from the Delta pilot schedule obtained by Tim Caplinger in 2013 (who is prepared to so testify) for Delta pilot Russell C. Melvin that shows Melvin's pay status on November 8 and 9 (the time of the hacking) was attributed to "ALPA."
27. Attached and labeled as **Attachment 23** is a true and correct copy of a letter from your Declarant to Russell C. Melvin, dated August 18, 2014.

Pursuant to 29 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 26, 2016

By: /s/ Nicholas Paul Granath
Nicholas Paul Granath, Esq.